(c) if so, the steps Government propose to take; to make SSA successful?

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI D. PURANDESWARI): (a) to (c) The Centre-State fund sharing pattern for the Sarva Shiksha Abhiyan (SSA) as of 01. 04.2007 is in the ratio of 50:50. Almost all States have requested for continuation of the Tenth Five Year Plan Centre-State funding pattern of 75:25 (90:10 for North Eastern States) during Eleventh Five Year Plan as well.

The State/UTs annual work plan & budget for 2007-08 under the SSA have been sanctioned by the Government of India keeping in mind the Budget Estimates of Rs. 10,671 crore for the SSA in the Central Budget.

Amendment to Code of Criminal Procedure

801. SHRIMATI SHOBHANA BHARTIA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Supreme Court on 22nd January 2007, had pointed out that Government have made an amendment to Section 164A of the Code of Criminal Procedure but has not allocated more courts and personnel, before implementing legal reforms across the country;

(b) whether, under Section 164A, the police would get the statement of the witness recorded before a magistrate, to prevent any witnesses from turning hostile later;

(c) whether Government have considered the view of the Supreme Court on this issue; and

(d) if so, the steps being considered to allocate more courts and personnel before implementing legal reforms in the country?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) Registry of Supreme Court of India have informed that they have no information as regards any judgment on the newly inserted section 164-A Cr.P.C.

(b) and (c) Section 164-A Cr.P.C. was inserted in the Code of Criminal Procedure, 1973 through the Code of Criminal Procedure (Amendment) Act, 2005 to provide for medical examination of the victim of rape.

The Code of Criminal Procedure (Amendment) Bill, 2006 introduced in the Rajya Sabha on 23rd August, 2006 has, *inter alia*, a proposal to insert Section 164-B Cr.P.C. to require any police officer not below the rank of the Sub-Inspector, in the course of investigation of any offence punishable with death or imprisonment for 10 years or more, to produce all persons whose statements appear to him to be material and essential for proper investigation of the case, to the nearest Metropolitan Magistrate or Judicial Magistrate as the case may be, for recording their statements.

The Chairman of the Rajya Sabha has referred the Bill to the Parliamentary Standing Committee on Home Affairs for their examination and report. Their report is still awaited.

The Supreme Court in connection with the Writ Petition (Criminal) No.1 of 2005 —Country First *Vs.* Union of India & others has sought certain clarifications/ statistics in connection with the proposed insertion of Section 164 B of Cr.P.C. No orders have been passed by the Supreme Court in the case.

(d) Administration of justice is a state subject. Any increase in courts etc. is to be effected by respective State Governments in consultation with the concerned High Court.

Women judges in High Courts and Supreme Court

†802. SHRI AJAY MAROO: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the total number of judges in the Supreme Court and different High Courts at present and the number of women judges out of them;

(b) whether Government's attention has been drawn towards the report of the National Commission for Women which stated that the number of women judges in the Supreme Court and the High Courts is negligible;

(c) if so, the reasons for fewer number of women judges; and

(d) the action being taken by Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) A Statement is enclosed (*See* below).

(b) to (d) Appointments of Judges of the Supreme Court of India and High Courts are made under articles 124 and 217 of the Constitution of India, respectively, which do not provide for reservation for any caste or class of persons. After the Supreme Court Judgment of October 6, 1993 in the Supreme Court Advocates-on-Record & Anr. *Vs.* Union of India, read with the Advisory Opinion of October 28, 1998, the entire process of initiation of proposal for appointment of a Judge of a Supreme Court lies with the Chief Justice of India and for the appointment of a Judge of a High Court; with the Chief Justice of that High Court.

The Government have, however, addressed letters to the Chief Ministers of the States and the Chief Justices of the High Courts, from time to time, requesting them to locate persons from the Bar belonging to Scheduled Castes, Scheduled Tribes, other Backward Classes, Minorities and amongst Women who are suitable for appointment as High Court Judges.

†Original notice of the question was received in Hindi.